

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed February 1, 2007. To clarify various aspects of inventive subject matter, Applicant amends Claims 42 and 58. Applicant also introduces new Claim 70 and cancels Claims 1-31 and 57 without prejudice or disclaimer. To advance prosecution of this application, Applicant has responded to each notation by the Examiner. Applicant submits that all of the pending claims are allowable over the cited references. Applicant respectfully requests reconsideration, further examination, and favorable action in this case

Allowable Subject Matter

Applicant notes with appreciation the Examiner's statement that Claims 64-69 are allowed.

Applicant also appreciates the Examiner's notation that Claims 47-51, 57, and 58 contain allowable subject matter and would be allowed if rewritten in independent form. Although Applicant believes all original claims are allowable, to expedite issuance of this application Applicant has rewritten independent Claim 42 to include elements similar to those from Claim 57. Moreover, Applicant introduces a new independent Claim 70 that includes subject matter similar to allowable Claim 47. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claims 42 and 70, and all claims depending therefrom.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejects Claims 42-46, 52-56, and 59-63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0174914 A1 issued to Fukatsu ("Fukatsu") in view of *Esterwitz*. Without addressing the veracity of the Examiner's art rejections, and solely for the purpose of advancing this case expeditiously to issuance, Applicant amends independent Claim 42 to include allowable subject matter. Applicant explicitly reserves the right to traverse some or all of these rejections in another application.

Notice of Submission of Information Disclosure Statement

Applicant notes for the Examiner's convenience that an Information Disclosure Statement is being filed concurrently with this Response. Applicant respectfully requests that the Examiner confirm in his next written communication that the Examiner has considered Applicant's Information Disclosure Statement.


CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. Because this Amendment places all claims in condition for allowance or at least in a better condition for appeal, Applicant respectfully requests that this Amendment be entered..

Although Applicant believes no fee is due, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If the Examiner feels that a conference would advance prosecution of this Application in any manner, Brian J. Gaffney stands willing to conduct such a telephone interview at the convenience of the Examiner. Mr. Gaffney may be reached at 214-953-6682.

Respectfully submitted,
BAKER BOTTS L.L.P.


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